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## Wm-vergunningverlening en handhaving in de drie noordelijke provincies.

Rolsma, Arnold

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### *Document Version*

Publisher's PDF, also known as Version of record

### *Publication date:*

2002

[Link to publication in University of Groningen/UMCG research database](#)

### *Citation for published version (APA):*

Rolsma, A. (2002). Wm-vergunningverlening en handhaving in de drie noordelijke provincies.

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## Summary

For a few years, some serious accidents (Enschede, Volendam) have pointed the light at the quality and the maintainance of the environmental licenses.

Do the procedure and the execution offers of checks sufficient protection for safety and environment? This report considers the situation of environmental licenses in the provinces Groningen, Friesland and Drenthe.

Before the provincial government grants an environmental license, a procedure has to be followed. This procedure starts with the preliminary consultation and ends with the final decision of the government to grant an environmental license.

To current licenses and linked regulations, the qualified authority must check regularly that these are sufficient. The authority also has to consider the state of the environment and the technical potential of protection related to issues regulated in the licenses.

Furthermore, the qualified authority controls the regulations jointed to the environmental license.

Section I of this report contains the legal rules of granting licenses and maintaining the environmental laws. It presents the procedure of licensing and explains the principles of the environmental legislation (ALARA-, precautionary-, prevention- and standstill-principles). Environmental licenses must be in conformity with these principles. Licenses must also correspond to other policy frameworks, like the National Emission directives and the provincial environmental regulation.

Section II describes the compared developments and policy concerning the granting and maintaining of environmental licenses in the three northern provinces (Groningen, Friesland and Drenthe).

The province used the period from 1990 until 1996 to upgrade the quality of granting and maintaining environmental licenses.

Governmental agencies differ in detail of the procedure towards granting and maintaining environmental licenses. The provinces have a certain freedom of policy with regard to environmental licenses.

Every province decides what can be considered as the 'adequate level' of maintenance. To an increasing extent, provinces use non-traditional methods of supervision (e.g. inspection of the factory). These days, environmental policy concentrates on giving more responsibility to companies. The means of self-regulation, like internal care, environmental licenses-new-style (VOH/VOM) and the company environmental policy plan stimulate companies to carry their responsibilities in environmental policy. The province of Drenthe takes the lead, in comparison with the other two provinces, as demonstrated by the number of granted VOH/VOM licenses.

However, the province of Friesland has a certificated quality system in operation. The provinces of Groningen and Drenthe started the implementation of the quality system in 2001.

The provinces are getting more and more convinced that practical and maintainable rules of good quality, combined with an effective supervision, are essential to reach a sustainable development.

The province of Groningen has the ambition to offer optimal insight in the agreements, operating procedures and the exchange of information by the different authorities.

The compliance of legal regulations should be realised by preventive approaches; this means regular supervision and checks of the licenses. The province of Drenthe has switched over to an more qualitative way of maintaining licenses: the frequency of the inspections depends on the potential risks of the industrial activities and the compliance of environmental licenses by the company.

For the execution of maintenance-checks, supervising plans are increasingly popular. The province of Drenthe takes the lead, while the province of Friesland hardly uses these plans. However, Friesland intends to do so.

The province of Friesland has, like Drenthe, a qualitative policy of maintenance.

As time and means are limited, the province of Friesland wants to use these as efficient and effective as possible.

The actuality of licenses is of great significance. The ambition of the provinces is to check each environmental license once in every five years. Because of insufficient capacity (e.g. lack of staff-members), this can hardly be realised.

Part III deals with some casestudies of environmental licenses in the three northern provinces. It describes how policy aspects, described in part I, are implemented in the environmental licenses of the selected cases. The study doesn't allow conclusions about the quality of the selected license.